

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

BRANSON HILLS ASSOCIATES, LP, )  
                                    )  
                                    Plaintiff, )  
v.                                    )  
                                    ) No. 05-3186-CV-S-FJG-SSA  
FIRST AMERICAN TITLE )  
INSURANCE CO.,                 )  
                                    )  
                                    Defendant. )

**ORDER**

Pending before the Court are (1) defendant's Motion to Dismiss (Doc. No. 10) and (2) plaintiff's Confession of Motion and Application for Leave to Dismiss without Prejudice (Doc. No. 11). Defendant has filed no opposition to the application for leave to dismiss without prejudice. Therefore, the Court **GRANTS** defendant's motion to dismiss (Doc. No. 10) and plaintiff's application for leave to dismiss without prejudice (Doc. No. 11). The pending matter is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Date: January 6, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge